

Official Minutes for Webb County Commissioners Court Meeting

Monday, August 9, 2004 at 1:00 PM

(Approved 09-13-2004)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Jerry Vasquez	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
David Cortez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 5th of August 2004. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3 Pledge of Allegiance – Led by Sheriff Juan Garza

- Item No. 4 Approval of minutes – July 19th, 2004 and July 26th 2004

Cmr. Gutierrez motioned to accept the minutes as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 5 Approval of bills, payroll and monthly reports

Mr. Leo Flores, County Auditor, presented his monthly report ending July 31, 2004 to the court and had the following observances:

- Page 1 – IRS payments were for payroll taxes
- Page 2 - Underground, Inc. payments were for underground utilities
- Page 11 - TWDB had advanced the monies for those grants instead of having the county make the expenditures and then request reimbursement.
- Page 18 - approximately \$1.376 million shortfall in jail revenues expected
- Page 23 - \$220,512 above budgeted projections in sales tax revenues
- Page 24 – Revenues at 89% collections
- Page 26 – Expenditures at 77% used

Mr. Flores stated that the revenues can only get better but cannot say whether expenditures will stay the same since the monies can still be spent until September 31st. He stated that if the expenditures are at 85% at the end of the fiscal year, it would be enough to cover any expected deficits. Cmr. Velasquez questioned the deficit in the Employee's Health Benefit Fund. Mr. Flores stated that the deficit was due to the number of claims that were filed and that approximately \$300,000 has not been posted which would leave a pending balance of about \$500,000 which could be transferred from the Workmen's Compensation Reserve Fund, thereby closing both out. Cmr. Velasquez expressed concerns about the deficit in the Water Utility Fund since the court took action at a prior meeting to not increase the rate currently being paid. Cmr. Cortez questioned the expenditures for the Veterans Service Office since it had only expended 62% of its budget and stated that monies allotted were for assisting any veteran who needed help. He congratulated Cmr. Velasquez for having the lowest expenditures from the court members.

Cmr. Gutierrez motioned to accept the Auditor's Report. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 6 Communications

Cmr. Cortez stated that he and Mr. Juan Vargas, Economic Development Director, went to meet with representatives of the United States Department of Agriculture concerning the various programs that are available for colonia residents. He stated that they received several leads on possible grants for Webb County.

Cmr. Velasquez motioned to move up Item No. 14. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 14 Discussion and possible action concerning restructuring the Pre-Trial Services Department (board & personnel).

Cmr. Velasquez stated that he brought item before the court due to several concerns raised by local bond companies. He also expressed concerns about the funding of this department as well as the number of positions in the department. Mr. Homero Ramirez, County Attorney, expressed concerns about any discussions that may be along the lines of the budget preparation and what changes would be made to the budget. He stated that if sole purpose of allowing public to address item was to make a complaint in the hopes that they would be corrected during the budget, he recommended that the item be tabled. He stated that it would be ultimately up to the court whether they would hear public comments or not.

Cmr. Gutierrez motioned to accept recommendation of County Attorney and table item until the budget hearing. Cmr. Cortez seconded the motion.

Motion failed 4-1 with Cmr. Velasquez voting against.

Judge Jesus Garza, County Court at Law No. 2, stated that he was responsible for the Pre-trial services department.

Item No. 7 Public Comment

Mr. Homero Ramirez, County Attorney, stated that the court could accept any comments regarding Addendum No. 2 Item No. 1 but could not discuss or make any replies to those comments because item was posted for 3:30 p.m.

Mr. Hector Farias, chairman of the Executive Committee of the Laredo Veterans' Coalition, was present to address the court on Addendum No. 2, Item No. 1. He stated that the county has always supported its veterans and many public monies available to assist them. He stated that many veterans were not getting the assistance that they needed from the Veterans Service Officer. He stated that he felt that the court had never appointed someone who has done more damage for the department than the current Veterans Service Officer. He stated that he has received letters from the Marine Corps League questioning some missing funds from the Toys for Tots program. He stated that the Veterans Coalition was recently donated the use of a building and would like for the Veterans Service Office to be housed there, along with other veterans organizations and a museum.

Mr. Richard Geissler was present to address the court on Addendum No. 2, Item No. 1. He stated that amid rumors about the Veterans Coalition regarding their funding, they submitted to an audit performed by the County Auditor's Department. He stated that every penny was accounted for and that all funding that they receive goes directly to veterans in need. He stated that the Coalition is run almost entirely by volunteers and one paid employee who earns a pittance.

Mr. Rafael Moreno, District Attorney's Office, was present to address the court on Item No. 19. He requested that the court approve this item and stated that vehicle would be used to pick up probationers with outstanding warrants.

Ms. Delia Perales, County Treasurer, was present to address the court on Addendum No. 1, Item No. 2. She stated that this item had been removed from the regular agenda and she had not been notified of this change. She stated that this has happened to her before and requested that she be notified if any of her items were to be deleted.

Ms. Toni Migura was present to address Item No. 29. She requested that the court approve this item and to take into consideration the residents who live in those homes without basic necessities such as water and sewer services.

Ms. Susana M Rangel was present to address Item No. 29. She stated that many of the families have lived there for more than 10 years without running water. She also stated that the roads there are dirt roads full of pot holes that are dangerous to drive in.

Item No. 8 Report by the Engineering /Utilities Department on the quality of the drinking water in Rio Bravo and El Cenizo as per the Texas Clean Water Act.

Mr. Tomas Rodriguez, County Engineer, stated that water samples were taken from the meters of random homes in Rio Bravo and El Cenizo and the quality of the water met both federal and state regulations. He stated that the reason one gentleman's water had substantial amounts of sediments was due to the fact that he had a leak in the pipes that led from the meter to the home. He stated that the county's responsibility is to provide drinking water as per the Texas Clean Water Act up to the meter. He stated that it was the owner's responsibility to supply water from the meter to the home. He stated that they are currently in the process of replacing approximately 50-60% of the pipes.

Item No. 9 Discussion and possible action to appoint Jorge Flores as Interim Risk Manager effective August 10, 2004. [Co-Sponsored by Commissioner David R. Cortez]

Judge Bruni requested that no action be taken on this item since he had some concerns about the appointment of one of his staff members. He stated that Mr. Jorge Flores has already been assisting Ms. Amy Palacios, interim Risk Manager, and would continue to do so without being appointed to the position.

Cmr. Gutierrez motioned to table the item. Judge Bruni seconded the motion.

Cmr. Velasquez stated that the court has gone out for Request for Qualifications (RFQ's) and received two applications. He stated that the court needed to take action because of concerns about the Employee Health Insurance fund. Cmr. Cortez stated that he co-sponsored item and was for interim appointment, not permanent. He stated that Mr. Flores has been working almost full-time with the Risk Management Office and should be placed under their budget and not the County Judge's. Cmr. Gutierrez stated that it would be inappropriate to have two interim Risk Managers. She requested that the court be given the opportunity to review the two applications that were submitted.

Motion failed 2-3 with Cmr. Vasquez, Cmr. Velasquez and Cmr. Cortez voting against.

Cmr. Cortez motioned to approve appointment effective 08-10-2004. Cmr. Vasquez seconded the motion.

Motion carried 3-2 with Judge Bruni and Cmr. Gutierrez voting against.

Mr. Homero Ramirez, County Attorney, stated that there could not be two interim Risk Managers and with Mr. Flores' appointment, Ms. Amy Palacios was in effect terminated. He also stated that Mr. Flores was no longer a part of Judge Bruni's office since he could not be in two positions at once.

Item No. 10 Discussion and possible action to purchase a sponsorship from the Make a Wish Foundation for Webb County in the amount of \$5000.00.

Cmr. Cortez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Mr. Homero Ramirez, County Attorney, recommended that the court defer this item since there is no line item in place for this item and county cannot sponsor an agency with county funds without receiving something in return.

Cmr. Cortez amended his motion to approve pending a written agreement. Cmr. Gutierrez amended her second to reflect change.

Motion carried 5-0 by unanimous consent.

Cmr. Velasquez recognized Mr. Jerry Garza, Cmr.-Elect Pct. 3 who was present at the meeting.

Item No. 11 Discussion and possible action on setting a date for public hearings related to 2004-2005 annual budget.

Cmr. Cortez motioned to take Item No. 16 and No. 17 with Item No. 11. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 16 Discussion of the Tax Rate and the proposed Tax Rate of .457923 per \$100.00 taxable value for the year 2004-2005.

Item No. 17 Discussion and possible action for the setting of a date for a public hearing on the proposed tax rate and setting a date for the final adoption of the Tax Rate.

Mr. Raul Casso, Chief of Staff, stated that he did not have the proposed dates at hand but he would circulate memo to the court members with proposed dates.

Item No. 12 Discussion and possible action to name committee for developing plans for Bond Proceeds Golf Course expenditures. Each commissioner will name one member to the committee who will subsequently make recommendations to the Commissioners Court on how best to spend bond proceeds. [Co-Sponsored by Commissioner Felix Velasquez]

Cmr. Cortez stated that the golf course still belonged to Webb County and was in dire need of renovations. He stated that this board would work independently of Mr. Balt Ramos, Golf Course operator, to make recommendations on how to spend bond

proceeds set aside for golf course improvements. The court members appointed the following persons:

Judge Bruni – Dr. Dennis Cantu

Cmr. Vasquez – Mr. Rene De La Viña

Cmr. Gutierrez – Would appoint someone at next meeting

Cmr. Velasquez – Mr. Bobby Mancha

Cmr. Cortez – Mr. Hector Garcia

Cmr. Cortez motioned to accept appointments. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 13 Discussion and possible action to approve the "Operation Boot Camp" Program located at Laredo Community College Campus and the allocation of \$100,000.00 to the Metro Affordable Housing, Corp. for the same from the Parks Development Bond Series 2002. [Acct. #695-6004-8710-4]

Cmr. Cortez motioned to approve item as submitted.

Mr. Homero Ramirez, County Attorney, recommended that the court defer this item until written authorization from bond counsel is received. He stated that he had concerns about whether Park Development monies could be used for this purpose as well as the operations of this program.

Cmr. Cortez motioned to approve this project in concept. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action to appoint the Webb County Indigent Services Program Director.

Cmr. Velasquez stated that he would like to appoint Mr. Frank X. Salinas, ISP Interim Director, as the permanent director. He stated that he has been the interim director for over a year and should be given the opportunity to better the department.

Cmr. Velasquez motioned to appoint Mr. Frank X. Salinas as ISP Director. Cmr. Cortez seconded the motion.

Cmr. Gutierrez stated that Request for Qualifications (RFQ's) was closed on Friday and four applications were received. She stated that it would be unfair to go out for RFQ's and not even allow them the opportunity to interview the applicants. She aired concerns that program was still in trouble and feels interview process should follow.

Motion failed 2-3 with Judge Bruni, Cmr. Vasquez and Cmr. Gutierrez voting against.

Break (2:43 p.m. to 3:02 p.m.)

Cmr. Vasquez stepped out.

Cmr. Velasquez motioned to move up Item No. 28. Cmr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

Item No. 28 Discussion and possible action on the approval to grant the County Auditor, authority to expend funds from the Initiative Against Domestic Violence, effective July 22, 2004, pending the receipt of all required grant documents and allocation.

Cmr. Cortez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Mr. Roberto Balli, Assistant District Attorney, stated that all the paperwork has been submitted and county has received grant for five years. He stated that monies are taking longer to be released.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

Item No. 18 Discussion and possible action to approve "Category B" Elections as per the Governing Regulations of the Advisory Board of the Webb County Community Action Agency due to current vacancies (the Advisory Board shall be composed of membership that complies with the Community Services Block Grant Policy Issuance #95-2.2 dated May 17, 1995. The "Category B" shall consist of members who will be elected by the residents in the areas of the County they will represent). Elections will be held in August 2004, for Representatives and Alternates for the areas Santo Nino and Rio Bravo.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

Item No. 19 Discussion and possible action regarding the transfer of a 1994 Chevrolet Suburban, VIN #1GNEC16K9RJ394009, license plate #HXO-956 from District Attorneys Office to the Community Supervision & Corrections Department.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 20 Discussion and possible action to enter into a lease agreement with the City of Laredo for the lease of approximately 2,378 square feet which encompasses building 1228, located at 4704 Naranjo Street for a monthly rent of ONE THOUSAND SEVEN HUNDRED AND TWENTY-FIVE DOLLARS (\$1,725.00) for a one (1) year period beginning on August 1, 2004 through July 31, 2005, and authorizing the County Judge to sign all relevant documents. [Requested by Head Start Program]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 21 Discussion and possible action to enter into an Equipment Maintenance Agreement with Unitech Business Solutions, Inc. for one (1) digital copier to be located at the El Cenizo Community Center for a thirty-six (36) month period (June 7, 2004 through June 6, 2007) at costs of overages of (\$.008) per copy and authorizing the County Judge to sign all relevant documents. [Requested by County Purchaser Account No. 001-6101-6402 Repairs & Maintenance Equipment]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 22 Discussion and possible action to enter into an Equipment Maintenance Agreement with Unitech business Solutions, Inc. for one (1) digital copier to be located at the Larga Vista Community Center for a thirty-six (36) month period (June 7, 2004 through June 6, 2007) at costs of overages of (\$.008) per copy and authorizing the County Judge to sign all relevant documents. [Requested by County Purchaser Account No. 001-6103-6402 Repairs & Maintenance Equipment]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 23 Discussion and possible action to enter into an Equipment Maintenance Agreement with Unitech Business Solutions, Inc. for one (1) digital

copier to be located at the Quad-City Community Center for a thirty-six (36) month period (June 7, 2004 through June 6, 2007) at costs of overages of (\$.008) per copy and authorizing the County Judge to sign all relevant documents. [Requested by County Purchaser Account No. 001-6100-6402 Repairs & Maintenance Equipment]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 24 Discussion and possible action to enter into an Equipment Maintenance Agreement with Unitech Business Solutions, Inc. for one (1) digital copier to be located at the Rio Bravo Community Center for a thirty-six (36) month period (June 7, 2004 through June 6, 2007) at costs of overages of (\$.008) per copy and authorizing the County Judge to sign all relevant documents. [Requested by County Purchaser Account No. 001-6105-6205 Materials & Supplies]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 25 Discussion and possible action to approve the following line-item transfer from the County Attorney Departmental Budget.

From:

001-1101-5602	Local Mileage	\$ 300.00
001-1101-6028	Witness Expense	\$ 500.00
001-1101-6022	Professional Services	\$ 500.00
001-1101-6403	Vehicle Maintenance	\$ 500.00
	Total	\$1,800.00

To:

001-1101-6005	Postage	\$ 550.00
001-1101-6206	Material and Supplies	\$1,250.00
	Total	\$1,800.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 26 Discussion and possible action to enter into an agreement with Texas Transportation Institute for a grant to Webb County not to exceed FIFTY THOUSAND DOLLARS (\$50,000.00) for the purchase of three

(3) fifteen (15) passenger vans for use by the Webb County Colonia Community Centers and requiring Webb County to keep record/logs of usage of said vehicle, to take title to said vehicles and provide maintenance and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

Item No. 27 Discussion and possible action to approve the following transfer:
From: 001-1011-6022 Professional Services \$500.00
To: 001-1011-5601 Administrative Travel \$500.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

Item No. 29 Discussion and possible action to authorize the Economic Development Department to develop and submit a grant application to the Office of Rural Community Affairs (ORCA) under the Colonia Construction Fund Program requesting \$500,000 grant with a \$25,000 local in-kind match to provide first-time water service through the construction of water line extension to serve the Vela Tract adjacent to the City of Rio Bravo as part of and in conjunction with the on-going Webb County EDAP Project.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Cmr. Vasquez arrived.

Mr. Homero Ramirez, County Attorney, advised court that the original developer was D & A Realty. He stated that D & A Realty was involved in a very large and complicated legal matter. He stated that after the bankruptcy proceedings, the water and sewer plant became the responsibility of the county. He stated that this allowed the county to have legal authority to continue with the project. He stated that he would meet with Cmr. Cortez to address his concerns about whether any action can be taken against the original developer.

Motion carried 5-0 by unanimous consent.

Item No. 30 Discussion and possible action to authorize the submission of a contract Amendment #3 to the Texas Department of Housing and

Community Affairs TCDP Contract No. 721003-Webb County CAA-Self-Help Center Program. The Texas Department of Housing and Community Affairs Office of Colonia Initiatives requested the contract amendment due to new reporting changes with the U.S. Department of Housing and Urban Development (HUD). The contract amendment will not impact the County's general fund.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 31 Discussion and possible action to authorize the submission of a Budget Modification #3 to the Texas Department of Housing and Community Affairs TCDP Contract No. 721003-Webb County CAA-Self-Help Center Program. The modification is needed to zero out line items due to the upcoming close-out of TCDP Contract No. 721003. The Contract amendment will not impact the County's general fund.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 32 Discussion and possible action to authorize a 4-month contract extension to Turner, Collie and Braden, Inc., from September 1, 2004 up to December 31, 2004 on the Webb County Highway 59 Facility Plan/Step 2 Report Project and authorize the submission of this engineering contract extension to the Texas Water Development Board (TWDB) and the Border Environment Cooperation Commission (BECC) for their approval. This extension will be a time only extension and will not cost the County, TWDB or BECC any additional funds.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 33 Discussion and possible action authorizing Change Order No. 2 to the Self Help Center Construction Project in the amount of \$55,525.00 for jail improvements to C. G. Construction. [Account # 624-8000-8601-3 and #679-8000-8601-3 Construction in Progress]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Mr. Carlos Villarreal, Commissioners Court Executive Administrator, stated that the monies for this had been appropriated at the previous meeting and was simply bring change orders to reflect those changes.

Motion carried 5-0 by unanimous consent.

- Item No. 34 Discussion and possible action authorizing Change order No. 2 to the Rio Bravo Community Park Construction Project in the amount of \$34,875.00 for jail improvements to C. G. Construction. [Account # 624-8000-8601-3 and #679-8000-8601-3 Construction in Progress]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 35 Discussion and possible action authorizing the transfer of funds for the TWDB-EDAP Projects Fund 648:

From:	8006-6791-3	Contingency	\$100,000.00
To:	8006-6023-6	Design Engineering	\$100,000.00

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 36 Discussion and possible action authorizing a Court Order adopting Webb County's Emergency Management Plan.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, stated that there was an addition to the plan that was not included that would allow the county to use public resources in the event of a man-made or natural disaster. He stated that policy allowing this has been in place for some time but felt that it needed to be included.

Cmr. Gutierrez amended her motion to include addition to be included. Cmr. Vasquez amended his second to reflect change.

Motion carried 5-0 by unanimous consent.

- Item No. 37 Discussion and possible action authorizing the Utilities Department to increase the water and sewer rates effective September 1, 2004 (Proposed Rates Attached), or to budget \$80,000.00 from the general fund to pay Utilities Debt Service.

Cmr. Cortez motioned to increase water and sewer rates. Cmr. Vasquez seconded the motion.

Mr. Raul Casso, Chief of Staff, stated that item was brought before the court to affirm the court's decision at the previous meeting to not increase the water and sewer rate and to allow payment of \$80,000 from the General Fund. Cmr. Velasquez stated that he had understood that \$80,000 would be from the ending fund balance. Cmr. Vasquez stated that it would be unfair to use taxpayers' monies to subsidize services for some constituents and not all. Cmr. Velasquez stated that this argument should have been brought up at the previous meeting. He stated that he would support item since the court had already decided at the previous meeting to not increase the water and sewer rates. Cmr. Cortez stated that the colonia residents should pay for water and sewer services like everyone else and though he would like to subsidize services for everyone, it would not be possible. Mr. Tomas Rodriguez, County Engineer, stated that unless there was a tremendous growth in those affected colonias, it would take approximately five years to pay the debt service and would result in the county paying \$80,000 for each of those five years for a total of \$400,000, since peak bond payments begin next year. Cmr. Gutierrez recommended that the court defer this item and hold a public hearing for those colonia residents to explain why the rate would be increased after being told that they would not be increased. Cmr. Velasquez concurred with Cmr. Gutierrez and stated that item needed to be revisited and residents advised.

Cmr. Cortez withdrew his motion. Cmr. Vasquez withdrew his second.

Judge Bruni motioned to defer and set a Public Hearing on this item. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 38 Discussion and possible action authorizing the transfer of funds for the Utilities Department Fund 801:

From:

3001-6403	Repair & Maintenance Vehicles	\$2,000.00
3001-6014	Equipment Rental	\$ 500.00
3001-6011	Training & Education	\$ 300.00
3001-6007	Dues & Membership	\$ 200.00
	Total	\$3,000.00

To:

3001-6201	Utilities	\$3,000.00
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From:

3003-6402	Repairs & Maintenance Equipment	\$1,200.00
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3003-6022-8	Lab Work & Testing	\$ 500.00
3003-6014	Equipment Rental	\$ 100.00
3003-6007	Dues & Membership	\$ 100.00
3003-6403	Repair & Maintenance Vehicles	\$ 100.00
3003-6214	Chemicals	\$2,500.00
	Total	\$4,500.00

To:		
3003-6201	Utilities	\$4,500.00

From:		
3004-6214	Chemicals	\$ 900.00
3004-6022-8	Lab Work & Testing	\$ 500.00
3004-6001	Office Supplies	\$ 100.00
3004-6204	Fuel & Lubricants	\$ 500.00
	Total	\$2,000.00

To:		
3004-6201	Utilities	\$2,000.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 39 Discussion and possible action to ratify the interest payment on August 1, 2004 for the Texas Water Development Board Bonds, Series 2000 and 2004 A and to approve the line item transfers:

From:		
801-3001-6099-2	Administrative Fees	\$14,960.00
To:		
801-9005-904-2	Interest Series 2000	\$ 1,000.00
801-9005-9069	Interest Series 2004A	\$13,960.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 40 Discussion and possible action to fill slot #1113 Bus Driver Supervisor, effective August 9, 2004 with ratification to fill this position effective August 2, 2004. Annual Salary \$18,706. (22 day periods)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 41 Discussion and possible action to fill 11 Head Start staff positions, effective August 9, 2004 through May 27, 2005.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 42 Discussion and possible action to approve the following line item transfer:
- | | | | |
|-------|---------------|-------------------------|------------|
| From: | 001-1041-6205 | Materials and Supplies | \$1,000.00 |
| To: | 001-1041-6224 | Minor Apparatus & Tools | \$1,000.00 |
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 43 Discussion and possible action to purchase two computers with printers funded from the Justice Court Technology Fund.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 44 Discussion and possible action to solicit request for qualifications for elections administrator for an additional 30 days.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 45 Discussion and possible action to award the repairs for the Floyd Head Start Center to Zertuche Construction for an amount of \$12,965.90. [Account #001-0105-6032-04 insurance Proceeds].
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 46 Discussion and possible action to authorize purchasing to contract the services of Zertuche Construction for the repair of A/C at the Tex-Mex Building as requested by the Facilities Department for a total amount

of 11,810.00. [Account #659-8000-8002 Land Acquisition Account Balance \$89,010.00]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Cmr. Vasquez stepped out.

Cmr. Cortez questioned as to what departments would be relocated to that building and whether there was any concern regarding the asbestos problem. Mr. Tomas Rodriguez, County Engineer, stated that the Drug Court would be moved to the Tex-Mex Building due to renovations that would be made at their current location. Cmr. Cortez requested that any employees that would be moved to the Tex-Mex Building sign a waiver where they would not hold the County liable for any problems that may arise due to asbestos. Mr. Rodriguez stated that all the asbestos problems had been fixed and safety standards have been met.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 47 Discussion and possible action to retain the services of Simplex Grinnell to provide annual fire alarm inspection for the various county buildings for the amount of \$7,523.50 from account No. 001-0106-6401 submitted by Building Maintenance Department.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 48 Discussion and possible action to solicit bids for the following: "Asphalt Materials and Emulsions" and "Uniform rentals" for the Road and Bridge Department.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 49 Discussion and possible action to approve the following expenditure of \$2,955.95 (Account #296-2001-7211-12 Governor's Grant for PAL) for two buses to transport 60 boys and sponsors to summer camp 2004 at the PAL of Texas Ranch located in Lampasas, Texas.

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 50 Discussion and possible action to approve and accept the Bureau of Justice Assistance (BJA), and the State Criminal Alien Assistance Program (SCAPP) fiscal year payment acceptance and electronic transfer of funds of \$81,443.00.

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

- Item No. 51 Discussion and possible action to approve and accept the U.S. Department of Justice, Local Law Enforcement Grant award of \$38,109.00 with a Webb County cash match of \$4,234.00, total grant \$42,343.00. [Account #001-0112-7211-13]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

Cmr. Vasquez returned.

- Item No. 52 Discussion and possible action to exercise the option to impose the adoption of the following resolutions as per Chapter 502 of the Transportation Code:

1. To permit a County Road and Bridge Fee in an amount that does not exceed \$10.00 for each vehicle registered in the county as per Section 502.172.
2. To permit a Child Safety Fund Fee in amount not to exceed \$1.50 for each vehicle registered in the county as per Section 502.173.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, recommended that Item No. 2 for this item be deferred until he could clarify some concerns on the fee.

Cmr. Vasquez motioned to table Item No. 52-2.

Judge Bruni motioned to rescind action taken on Item No. 52. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to approve Item No. 52-1 as submitted. Cmr. Vasquez seconded the motion.

Motion carried 4-1 with Cmr. Cortez voting against.

Cmr. Vasquez motioned to approve Item No. 52-2 as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 53 Discussion and possible action to waive penalty and interest for Mariner Health Group, Inc., and Mariner is willing to pay base tax only: however, due to failure of previous delinquent attorney to file in United States Bankruptcy Court, Mariner does not have to pay anything by law. It is therefore, recommended that payment of base tax be accepted and that current delinquent attorneys be paid, as this settlement was negotiated by them.

Mr. Homero Ramirez, County Attorney, requested that this item be tabled so that it could be reworded and placed under Executive Session for the next meeting.

Cmr. Gutierrez motioned to table item. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 54 Discussion and possible action to approve the following refunds due:
Chase Manhattan Mortgage,
Attn: Juanita Munoz, Refund Dept.
8435 Stemmons Freeway, Dallas, TX 75247
Acct #968-81001-010 Reason over payment
Total Refund: \$3,447.86

International Bank of Commerce
Acct. #800-0596-021, 800-05096-022 and 800-0596-023
Reason: Clerical Error 25.25(d); Protest Case: 2003-9374, 9375, and 9376
Total Refund: \$2,986.31

Commerce Bank
Acct. #800-03000-792, 801-14022-101, 800-14022-100 and 801-04000-701
Reason: Clerical Error 25.25(d); Protest Case: 2003-9370, 9371, 9372 and 9373
Total Refund: \$4,497.45

International Bank of Commerce
Acct. #800-09022-110, 801-05098-105, 800-05098-111 and 801-23022-107
Reason: Clerical Error 25.25(d); Protest Case: 2003-9378, 9380, 9382, and 9385
Total Refund: \$2,426.86

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 55 Discussion and possible action to approve the following line item transfers:

From:	001-0300-6204	Fuels & Lube	\$ 499.00
	001-0300-6403	Repairs and Maintenance Vehicle	\$ 650.00
To:	001-0300-6205	Materials & Supplies	\$1,149.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Velasquez motioned to move up Addendum No. 1. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum No. 1

Item No. 1 Discussion and possible action to approve the following line item transfer in the County Treasurer's budget:

From:	001-0300-5001	Payroll	\$3,200.00
To:	001-0300-5005	Part-Timer	\$3,200.00

Mr. Homero Ramirez, County Attorney, stated that he had some concerns about transfer since he did not believe Part-Timer line item existed. He stated that if line item did not exist, he recommended that monies be placed in another part-timer account and monies be drawn from that account.

Cmr. Velasquez motioned to approve item with monies transferred to Cmr. Velasquez's Part-Timer account if line item does not exist. Cmr. Cortez seconded the motion.

Mr. Leo Flores, County Auditor, stated that he had advised Ms. Yolanda Carrillo, Interim Court Administrator, to remove item since line item did not exist.

Motion carried 5-0 by unanimous consent.

Addendum No. 1

Item No. 2 Discussion and possible action to approve the following line item transfer in the Drug Court budget:

From:	227-1021-6026	Visiting Judges	\$14,800.00
To:	227-1021-6022	Professional Services	\$14,800.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum No. 1

Item No. 3 Discussion and possible action to approve the following line item transfer in the Sheriff's Budget:

From:	001-2060-5001	Payroll-Jail Bargaining Unit	\$105,000.00
To:	001-2062-6208	Groceries	\$105,000.00

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum No. 1

Item No. 4 Discussion and possible action to approve the following line item transfer in the Commissioners Court budget:

From:	001-0109-6022	Professional Service	\$31,250.00
To:	001-4300-7437	Fire Protection & EMS	\$31,250.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum No. 1

Item No. 5 Discussion and possible action authorizing the Road & Bridge Superintendent Fund 010-7002 to fill the following slots:

Truck Driver	Slot No. 666	\$9.95/hour
Maintenance Aid	Slot No. 673	\$8.29/hour

Cmr. Cortez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move into Executive Session to discuss Item No. 56, No. 57 and Addendum No. 2, Item No. 1. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (3:55 p.m. to 4:58 p.m.)

Judge Bruni reconvened meeting and stated that no action was taken while in Executive Session.

Item No. 56 Discussion and possible action regarding Cause No. 2003-CVQ-001964-D2; Juanita Puente vs. Webb County; In the 111th Judicial District Court of Webb County, Texas [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez, County Attorney, stated that this item was a status report and no action was needed.

Item No. 57 Discussion and possible action involving lease agreement with Margarito Benavides, Jr. and matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez, County Attorney, requested authorization to commence litigation and declare lease terminated due breach of contract.

Cmr. Vasquez motioned to accept the County Attorney's request. Cmr. Velasquez seconded the motion as well as to solicit new bids/proposals for the lease.

Mr. Homero Ramirez, County Attorney, stated that he would prepare an item for the next meeting to request new bids/proposals for the lease.

Motion carried 5-0 by unanimous consent.

Addendum No. 2

Item No. 1 Discussion and possible action relating to Veterans Service Office position, including but not limited to personnel action and possible action to begin search process for Veterans Service Officer and/or other related matters. [Executive Session may be to consult with the County Attorney pursuant to §551.071, Texas Government Code (Consultation with Attorney) and §551.072, Texas Government Code (Personnel Matters)]

Cmr. Velasquez motioned to table item. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 58 Adjournment

Cmr. Gutierrez motioned to adjourn meeting. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.